

REMARKS

Applicant thanks the Examiner for the very thorough consideration given the present application. Claims 2-16 and 18-21 are pending in the present application. The Examiner is respectfully requested to reconsider and withdraw his/her rejections in view of the amendments and remarks as set forth below.

I. Election/Restriction Requirement

Applicant affirms the election of Embodiment I, claims 1-21. Applicants note that claims 22-26 have been withdrawn from further consideration by the Examiner and have been cancelled by this amendment.

II. Claim Rejections Under 35 U.S.C. §§ 102 and 103

Claims 1-3 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Daneshvar (U.S. Pat. No. 5351818). This rejection is respectfully traversed.

Claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Daneshvar (U.S. Pat. No. 5351818) in view of Teague et al (U.S. Pat. No. 5102001). This rejection is respectfully traversed.

Claims 4-7, 19, and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Daneshvar (U.S. Pat. No. 5351818) in view of Ratcliff (U.S. Pat. No. 6065595). This rejection is respectfully traversed.

Claims 6-8, 13, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Daneshvar (U.S. Pat. No. 5351818) in view of Ratcliff (U.S. Pat. No. 6065595), and further in view of Takama (U.S. Pat. No. 5553710). This rejection is respectfully traversed.

Claims 10-12, 16, and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Takama (U.S. Pat. No. 5553710) in view of Daneshvar (U.S. Pat. No. 5351818). This rejection is respectfully traversed.

Claims 13 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Daneshvar (U.S. Pat. No. 5351818) in view of Takama (U.S. Pat. No. 5553710). This rejection is respectfully traversed.

Claims 19 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Daneshvar (U.S. Pat. No. 5351818) in view of Ratcliff (U.S. Pat. No. 6065595) and Takama (U.S. Pat. No. 5553710), and further in view of Spencer (U.S. Pat. No. 5593058). This rejection is respectfully traversed.

Claim 21 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ratcliff (U.S. Pat. No. 6065595). This rejection is respectfully traversed.

At the outset, Applicants note that claim 1 has been cancelled and claim 4 has been rewritten in independent form. Claim 4 includes the limitation of “said first and second inner lid portions include a first and second latch, respectively, said first and second latches each being slidable between a locked position for engaging said first and second inner lid portions to a respective one of said base portion and said cover portion and an unlocked position for disengaging said first and second inner lid portions from said respective base and cover portions.” The Examiner had previously rejected claim 4 as being unpatentable under 35 U.S.C. § 103(a) over Daneshvar in view of Ratcliff. The Examiner acknowledges that Daneshvar fails to disclose the latches for the inner lids, as claimed. However, the Examiner asserts that Ratcliff teaches latches for transparent inner lids and asserts that it would have been obvious to modify the

inner lids to have latches to prevent objects from inadvertently spilling from either the body or cover when the cover is in open position relative to the body of a container. The Examiner further asserts that it would have been obvious to make the latch a slideable latch in order to provide a latch which operates by easier translation motion rather than rotation. However, Applicants submit that neither of the references teach or suggest first and second latches that are slideable for engaging the first and second inner lid portions to a respective one of the base and cover portions, as claimed. In particular, the device of Ratcliff discloses a single latch for locking two inner lids to the base. Therefore, the prior art references fail to disclose all of the elements of the claim. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection. Applicant notes that claims 2, 3, 5-9, and 18-20 all properly depend from claim 4 and should be allowable for the same reasons as claim 4 as discussed above.

Applicant notes that claim 10 has been amended and now includes the limitation of "said spacer having a first end section, middle section, and second end section, said first and second end sections having larger cross sections than said middle section and having at least one recess in a face end thereof for receiving one of said series of said tabs." Claim 10 currently stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Takama '710 in view of Daneshvar '818. The Examiner asserts that Takama discloses a base with an adjustable divider and that Daneshvar teaches a cover. The Examiner asserts that it would have been obvious to add a cover in order to protect the container's contents from damage. However, Applicants submit that neither Takama '710 nor Daneshvar '818 disclose a spacer having first and second end sections with recesses provided in the end face thereof for receiving one of the series of

tabs, as claimed. Therefore, reconsideration and withdrawal of this rejection are respectfully requested.

Applicants note that claims 11-14 all depend from independent claim 10 and should be allowable for the same reasons as claim 10 as discussed above.

Applicants acknowledge and thank the Examiner for the indication that independent claim 15 is allowed.

With regard to claim 16, Applicants note that claim 16 has been amended to include the limitation of "said removable spacer has a first end section, middle section, and second end section, said first and second end sections having a larger cross section than said middle section and includes a recess in an end face thereof for receiving one of said series of tabs." Claim 16 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Takama in view of Daneshvar. Applicants submit that neither Takama nor Daneshvar teach or suggest a removable spacer having first and second end sections having a recess in the end faces thereof for receiving a tab, as claimed. Therefore, reconsideration and withdrawal of this rejection are respectfully requested.

With regard to claim 21, Applicants note that claim 21 includes the limitation of "at least one inner lid comprising a body portion having opposite side edges, a base edge, and a top edge, said body portion including a raised lip disposed on at least one of said opposite side edges and said top edge; and a latch coupled to said body and slidable between a locked position for engaging said at least one inner lid to one of said base and cover portion in an unlocked position." Claim 21 stands rejected under 35 U.S.C. § 103 as being unpatentable over Ratcliff '595. Ratcliff '595 discloses a case

having a base portion 13 and a cover 11 with an inner lid 47 attached to the base portion 13 and a rotary latch 55 for latching the inner lid 47 in a closed position. The latch 55 is mounted to the base portion 13 of the case. The Examiner asserts that Ratcliff discloses the invention as claimed, except for the raised lip extending around the body portion of the inner lid. Applicants, however, disagree with the Examiner's assertion that it would have been obvious to add a raised lip in order to strengthen the inner lid panel to prevent it from buckling and becoming damaged. In particular, there is no teaching or suggestion in Ratcliff for such a raised lip, as claimed. Furthermore, Applicants note that claim 21 requires that the latch be coupled to the body of the inner lid and slidable between a locked position for engaging said at least one inner lid to one of said base and cover portion. Contrary to this, Ratcliff '595 shows a latch 55 coupled to the base portion as opposed to the body portion of the inner lid. Therefore, reconsideration and withdrawal of this rejection are respectfully requested.

III. Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant(s) therefore respectfully request(s) that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding office action, and as such, the present application is in condition for allowance. If the Examiner believes that personal communication will expedite prosecution of this application, he/she is invited to telephone the undersigned at (248) 641-1600.

Prompt and favorable consideration of this amendment is respectfully requested.

Respectfully submitted,

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ATTACHMENT FOR CLAIM AMENDMENTS
Serial No. 09/840,278

The following is a marked up version of each amended claim in which underlines indicate insertions and brackets indicate deletions.

2. (TWICE AMENDED) The storage container according to claim 4 [1], wherein one of said base and cover portions includes a latch, said latch being slidable between a locked position and an unlocked position.

3. (AMENDED) The storage container according to claim 4 [1], wherein said first and second inner lid portions are symmetric.

4. (AMENDED) [The storage container according to claim 3], A storage container comprising:

a base portion having a first series of hinge sections;

a cover portion having a second series of hinge sections connected to said base portion said base and cover portions being closeable defining an outer shell and an internal space;

a first inner lid portion including a first end with a third series of hinge sections connected to said base portion and said cover portion;

a second inner lid portion including a first end with a fourth series of hinge sections connected to said base portion and said cover portion; and

wherein said first and second inner lid portions include a first and second latch respectively, said first and second [latch] latches each being slidable between a locked position for engaging said first and second inner lid portions to a respective one of said base portion and said cover portion and an unlocked position for disengaging said first and second inner lid portions from said respective base and cover portions.

9. (AMENDED) The storage container according to claim 4 [1], wherein an outer side of said base and cover portions include recessed and extending portions such that the recessed portions of a first storage container cooperate to receive the extending portions of a second storage container to facilitate stackability.

10. (AMENDED) A storage container comprising:
a base portion; and
a cover portion hingedly attached to said base portion, one of said base and cover portions including an inner side having a circumferential wall and at least one upright divider wall having a series of tabs extending therefrom, and at least one removable spacer adapted to selectively interfit with said tabs of said circumferential wall and said divider wall, said spacer having a first end section, middle section and second end section, said first and second end sections having larger cross sections than said middle section and include recessed portions in an end face thereof for receiving at least one of said series of tabs.

16. (AMENDED) A storage container comprising:
a base portion;
a cover portion hingedly attached to said base portion, one of said base and cover portions including a wall structure including opposing walls having a series of tabs extending therefrom, and at least one removable spacer adapted to selectively interfit with said tabs of said opposing walls, said removable spacer being made from an elastomeric material, wherein said removable spacer has a first end section, middle section, and second end section, said first and second end sections having a larger cross section than said middle section and include recessed portions in an end face thereof for receiving at least one of said series of tabs.

Claims 1, 17, and 22-26 have been cancelled.